

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CARDSOFT (ASSIGNMENT FOR THE  
BENEFIT OF CREDITORS), LLC  
v.  
FIRST DATA CORPORATION

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Case No. 2:13-CV-290-RWS-RSP

**ORDER**

Before the Court is First Data Corporation, First Data Merchant Services Corporation, and TASQ Technology, Inc.'s (collectively, "Defendants") Motion to Strike Portions of Plaintiff's Revised Infringement Contentions Unrelated to Virtual Machine (Dkt. No. 169). Because the Opinion of the Court of Appeals correcting this Court's erroneous claim construction significantly changed the issues in this case, and because there is no current trial date or docket control order in place, the Court will allow the significant changes effected by the revised infringement contentions. Accordingly, the Motion is DENIED.

This matter will be set for trial on a date to follow a pretrial conference on July 7, 2016 at 9:00 a.m. Counsel are directed to meet and confer and submit a proposed Docket Control Order consistent with that pretrial conference date within 10 days. If counsel cannot reach agreement on any dates therein, the Order should reflect the position of each side on that issue.

**SIGNED this 9th day of January, 2016.**

  
ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE